

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-43 (Sub-No. 181X)

Illinois Central Railroad Company – Abandonment Exemption – in Ballard County, KY

BACKGROUND

In this proceeding, Illinois Central Railroad Company (IC or railroad) filed a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a line of railroad in Ballard County, Kentucky (KY). The rail line proposed for abandonment extends approximately 1.66 miles between Milepost 364.54 and Milepost 366.20 (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, IC would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in western Kentucky, northwest of the city of Wickliffe. Wickliffe has a population of approximately 800 and is the county seat of Ballard County. According to the railroad, there are three bridges on the line that are more than 50 years old. All three are timber bridges that were originally constructed in the late 1800s and rebuilt in the 1930s.

The Line was constructed in the 1870s and was formerly the main line of the Gulf, Mobile and Ohio Railway Company (GMOR). GMOR merged with IC in 1972. The railroad has provided a verified statement indicating that no local traffic has moved on the Line for at least two years and that there is no overhead traffic handled on the Line to be rerouted. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to other modes.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The railroad served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

¹ The railroad's environmental and historic reports are available for viewing on the
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Diversion of Traffic

Because there is no rail traffic on the Line, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Rail line salvaging activities typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the right-of-way, and regrading of the right-of-way. Salvage can be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

For the proposed abandonment, the railroad has stated that the rail, ties and track materials would be salvaged and the three timber bridges removed.

The Natural Resources Conservation Service (NRCS) stated that if farmland needs to be converted to non-farm uses, the local NRCS office should be notified. NRDC also noted that there are two Wetland Reserve Program (WRP) sites near the Line. Although NRCS does not anticipate that the proposed abandonment would have an adverse impact on these two sites, NRCS noted that access across WRP sites is prohibited without prior written authorization. SEA has recommended a condition to address NRCS's prime farmland and WRP site concerns.

The U.S. Fish and Wildlife Service (USFWS) had not responded to the railroad's environmental report at the time this EA was prepared. However, SEA has provided a copy of this EA for USFWS review and comment.

The U.S. Army Corps of Engineers stated that it does not appear that the proposed abandonment would result in the placement of fill in any waters of the U.S. including wetlands. Therefore, a permit would not be required under Section 404 of the Clean Water Act (33 U.S.C. 1344).

The National Geodetic Survey (NGS) has advised SEA that two geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires IC to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station marker.

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Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-43 (Sub-No. 181X).

HISTORIC REVIEW

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Kentucky Heritage Council (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). In a November 21, 2007 reply, the SHPO stated that all three bridges on the Line are potentially eligible for listing in the National Register of Historic Places under Criterion A (i.e., for association with the development of the railroad in KY). The SHPO reply requested additional information on how the proposed abandonment would impact the bridges. In response, the railroad informed the SHPO of its plans to remove all three bridges during the salvaging process. In a May 12, 2008 reply, the SHPO concluded that the proposed abandonment would have no adverse effect on historic resources provided that all three bridges are recorded on Kentucky Historic Resource Inventory forms, and the survey forms, along with requisite maps and photographic documentation are submitted to the SHPO. Therefore, SEA recommends a condition to address the SHPO's stipulation.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified the Peoria Tribe of Indians of Oklahoma as having connections to Ballard County. A copy of this EA has been provided to the tribe for review and comment.

CONDITIONS

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, Illinois Central Railroad Company shall consult with the Natural Resources Conservation Service, District Conservationist at LaCenter, Kentucky regarding potential impacts to farmland and Wetland Reserve Program sites.
2. Illinois Central Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
3. Illinois Central Railroad Company shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. Illinois Central Railroad Company shall provide documentation of the existing three bridges on the rail line proposed for

abandonment to the Kentucky Heritage Council (the State Historic Preservation Office or SHPO), and also provide written confirmation to the Board's Section of Environmental Analysis regarding the SHPO's acceptance of the bridge documentation. Illinois Central Railroad Company may not initiate any salvage activities related to abandonment (including removal of the tracks and ties) or file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations and no salvage activities), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within the time specified in the Federal Register notice. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA directly at 202-245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC

20423, to the attention of Dave Navecky, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to STB Docket No. AB-43 (Sub-No. 181X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: June 20, 2008.

Comment due date: July 7, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment